UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/53/73
S/1998/163
26 February 1998
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Fifty-third session
Items 72 (q) and 73 of the preliminary list*
GENERAL AND COMPLETE DISARMAMENT:
REGIONAL DISARMAMENT
REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

SECURITY COUNCIL
Fifty-third year

Letter dated 25 February 1998 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to transmit the following documents:

(a) Brasilia Declaration of 26 November 1997, signed by the representatives of Ecuador and Peru (see annex I);

(b) Timetable of activities for the implementation of the proposals contained in the Declaration (see annex II);

(c) Paragraph 1 (a) of the document "Bases for an understanding between the Parties" (see annex III).

I should be grateful if you would arrange to have this note and its annexes circulated as a document of the General Assembly, under items 72 (q) and 73 of the preliminary list, and of the Security Council.

(Signed) Luis Valencia RODRIGUEZ
Permanent Representative

* A/53/50.

ANNEX I

Declaration signed in Brasilia by the representatives of Ecuador and Peru on 26 November 1997

On Monday, 24 November 1997, the second phase of the substantive talks between Ecuador and Peru, which fall within the framework of the Santiago Agreement of 29 October 1996, began in Brasilia, Federative Republic of Brazil.

The delegations of Ecuador and Peru, high-level representatives of the Guarantor Countries and the members of the Follow-up Commission designated by the latter to assist in these talks were present on that occasion in Brasilia.

Previously, the Parties had received from the Minister for Foreign Affairs of Brazil a document containing suggestions from the Guarantor Countries regarding a general outline which could be used as a focal point or to facilitate the progress of this important process.

The Parties commended the efforts of the Guarantor Countries, expressed satisfaction with their cooperation and made comments as to substance and form, with explanations of their points of view. It was agreed that Ecuador and Peru would consider the following matters in good faith, in accordance with the Rio de Janeiro Protocol of Peace, Friendship and Boundaries of 1942 and its supplementary instruments, and on the basis of the Itamaraty Peace Declaration of 1995:

(a) Consideration of a trade and navigation treaty, under the terms envisaged in article six of the Protocol of Rio de Janeiro;

(b) Consideration of a comprehensive agreement on border integration;

(c) Physical demarcation of a common land boundary;

(d) Establishment of a binational commission on mutual confidence- and security-building measures.

At the same time, it was agreed that the Parties and the Follow-up Commission would establish a timetable to promote the implementation of these proposals. The timetable will be finalized by the Parties and the Follow-up Commission.

The Parties and the high-level representatives of the Guarantor Countries expressed their satisfaction with the cordial and dignified manner and mutual respect in which the contacts had been made and reiterated their willingness to

continue their efforts to achieve further progress in order to attain the lofty objectives of peace, friendship and mutual understanding for which Ecuador and Peru are striving, with the resulting benefits for the inter-American community.

Brasilia, 26 November 1997

(Signed) Edgar TERÁN TERÁN

(Signed) Victor E. BEAUGE

(Signed) Luigi EINAUDI

(Signed) Fernando DE TRAZEGNIES

(Signed) Ivan CANNABRAVA

(Signed) Juan MARTABIT

ANNEX II

Timetable of activities for the implementation of the proposals contained in the Brasilia Declaration

I. TRADE AND NAVIGATION TREATY

The Parties shall appoint an Ecuadorian-Peruvian commission which shall draw up a draft trade and navigation treaty; the members of the commission shall be appointed no later than 2 February 1998. The lists shall be exchanged between the Parties and communicated to the Guarantor Countries.

On 2 February the Parties shall exchange preliminary drafts of an agreement or, if they prefer, the basic elements which in their view should be included in the Treaty, taking into consideration paragraph 1 (a) of the document "Bases for an understanding between the Parties", submitted by the Guarantors on 25 November 1997.

On 17 February 1998 the commission shall begin its work in Buenos Aires, with the presence and participation of the Guarantor Countries.

The commission shall also take up aspects related to navigation in the sectors where the boundary line intersects the rivers, in particular the Napo river, which shall be the subject of a specific agreement.

II. BORDER INTEGRATION

The Parties shall appoint a commission to draw up a draft comprehensive agreement on border integration, no later than 2 February 1998. The commission shall begin its work no later than 17 February 1998 in Washington, D.C.

The Parties shall keep the Guarantor Countries informed of the progress of the commission's work.

The commission shall also study measures on river basin management, including the management of the Zarumilla river basin.

III. PHYSICAL DEMARCATION OF A COMMON LAND BOUNDARY

The Parties shall appoint, no later than 2 February 1998, an Ecuadorian-Peruvian commission responsible for completing the preparations for the physical demarcation of a common land boundary in the Lagartococha and Zamora-Santiago and/or Cordillera del Cóndor sectors. The work of the Commission shall commence on 17 February 1998 in Brasilia.

Two 5-member legal and technical groups shall be formed for the purpose of assisting the Commission. The Parties shall appoint one member per group and the Guarantor Countries shall propose the remaining three members of each group

to the Parties. Upon acceptance of the list proposed by the Guarantors to the Parties, the two groups shall be established.

The Commission, on the basis of the submissions made in the first phase, shall indicate areas of disagreement to be submitted to the two legal and technical groups, which shall study them and give an opinion. Areas of disagreement noted in the first phase which have not been submitted to these legal and technical groups shall be expressly suspended and resolved when the Parties reach a comprehensive and lasting agreement.

The two groups shall submit opinions to the Commission, having due regard to technical considerations and in accordance with law, on the areas of disagreement presented to them and on measures for the physical demarcation of a common boundary, in accordance with article eight of the Protocol of Rio de Janeiro and the supplementary instruments thereof, which shall be evaluated by the respective groups from a legal perspective.

The Commission shall propose a solution to the Parties. Upon its acceptance, the Commission, with the help of the legal and technical groups, shall, within a period of 15 business days, complete the necessary desk work to indicate the proposed boundary, with the respective geographical coordinates, on a geographical map, identifying places where landmarks should be established upon the formal conclusion of the comprehensive and lasting agreement. In the meantime, the preparatory desk work, the opinion of the legal and technical groups and the proposal of the Commission shall not be binding on the Parties.

The construction and official designation of landmarks shall be carried out by a binational team immediately upon signature of the aforementioned comprehensive agreement, taking into account that no aspect of the said agreement shall enter into force until such time as all landmarks have been established and officially designated.

In the event of a disagreement, the Guarantor Countries shall propose, in accordance with point 4 of the Santiago Agreement, procedures for the solution of disputes related to the execution of the physical demarcation of the common land boundary referred to in the preceding paragraphs.

IV. MUTUAL CONFIDENCE- AND SECURITY-BUILDING MEASURES

The Parties shall appoint, no later than 2 February 1998, an Ecuadorian-Peruvian Commission responsible for studying the establishment and functioning of a binational commission on mutual confidence- and security-building measures. The Commission shall commence its work on 17 February 1998 in Santiago.

The Parties shall report to the Guarantor Countries on the progress of such work.

V. FOLLOW-UP

The Ministers for Foreign Affairs of Ecuador and Peru shall progressively monitor the process described herein and remain in constant, direct contact. To that end, the national delegations shall hold meetings as frequently as is deemed necessary, with the participation of the Guarantor Countries.

VI. TIME PERIODS AND PROCEDURES FOR APPROVAL

The work on each of the themes indicated shall be carried out simultaneously. The agreements shall enter into force jointly on completion of the demarcation process. The Parties undertake to work together with a view to completing the process no later than 30 May 1998.

VII. OTHER MATTERS

ZARUMILLA CANAL

No later than 2 February 1998, the Parties shall establish a working group responsible for elaborating measures aimed at ensuring the effective operation of the Zarumilla Canal and the exploitation of its waters in accordance with the provisions of the Aranha Formula.

VIII. MORATORIUM

The Parties agree that the work carried out under this timetable shall remain confidential.

Done at Itamaraty Palace, Rio de Janeiro, on 19 January 1998.

For the Republic of Ecuador:
(Signed) Edgar TERÁN TERÁN

For the Republic of Peru:
(Signed) Fernando DE TRAZEGNIES

For the Guarantor Countries:

(Signed) Alfredo CHIARADIA
Argentine Republic

(Signed) Ivan CANNABRAVA
Federative Republic of Brazil

(Signed) Juan MARTABIT
Republic of Chile

(Signed) Luigi EINAUDI
United States of America

ANNEX III

Point 1 (a) of the document entitled "Bases for an understanding between the Parties"

Conversations between Ecuador and Peru

Brasilia, November 1997

1. The Governments of Ecuador and Peru shall focus their attention, in good faith, on the following initiatives with a view to reaching an agreement on the basis of the Protocol of Rio de Janeiro of Peace, Friendship and Boundaries of 1942 and its supplementary instruments, in accordance with the Itamaraty Declaration of Peace of 1995:

(a) The signing of a Treaty on Trade and Free Navigation, in accordance with the provisions of article six of the Protocol of Rio de Janeiro, and in conformity with the relevant principles of international law on watercourses. With a view to optimizing the benefits of a regime which guarantees free movement between Amazonian regions, such a treaty shall cover the following areas:

- Joint exploitation of watercourses and shared resources;

- Reciprocal port facilities and customs concessions associated with unimpeded navigation along the Amazon River and its northern tributaries;

- Reciprocal facilities for the installation and operation, where necessary, of free ports and free-trade zones and warehouses on the Amazon River and its northern tributaries;

- Establishment of a permanent consultation mechanism to review and monitor the implementation of measures aimed at eliminating the problems relating to the navigation of meandering rivers that are repeatedly intersected by an international boundary line;

- Identification of the most suitable river and port options and navigational facilities on the Amazon River and its northern tributaries, in accordance with a regime which guarantees Ecuador free, gratuitous, uninterrupted and perpetual access;

- Execution of projects to link roads and surface transportation facilities in order to maximize multimodal transport options in the Amazon Basin region.